#### THE EVENING CRITIC. ESTABLISHED AUGUST, 1988

PRESIDENTIAL INABILITY.

An Interesting Report on the Subject in the Thirty-fourth Congress— What the Statesmen of that Day Thought of the Question of Suc-

The question of the President's inability is the one now which is only secondary to the other question of his ultimate recovery It is an undecided question whether the Vice-President could act even if requested to do so by the President himself. Opinions an elector.' differ as to when the inability absolutely arises. Elsewhere we publish the views of ex-Senator Eaton, a sound constitutional lawyer, on the sub-ject. Congressman Robeson, whose high standing as a lawyer and a parliamentarian will cause his views to be read with great interest and attention, has also been interviewed. He takes the original, and, at first thought, startling ground that the Vice-President himself is the sole judge of the time and circumstances under which the duties of the Presidency devolve upon him, under the Constitution. The evidence which he should require for such a decision is the most important element in the case, and this is also considered with some care by Mr. Robeson. He concludes that the most satisfactory evi-

the United States on August 5, 1856, by
Senator A. P. Butler, of South Carolina,
who was at the time chairman of the Committee on Judiciary. The interesting document was exhumed from the volumitation of the committee on Judiciary. The interesting document was exhumed from the volumitation of the form the duties prescribed in the act of 1792.

This act only for a limited term, and with a prescribed purpose.

Of course he must discharge all the duties of a President until one is elected, and for such purpose the officer is authorized to perform the duties prescribed in the act of 1792.

This act only for a limited term, and with a prescribed purpose.

be so comprehensive as to provide for every vacancy that can possibly occur in the office of President, and so clear as to permit of no controversy, nor any question of disputed succession to that high office.

"To the end, therefore, that all doubts or defects which may exist in our present laws on this subject may be remedied, and further controversy prevented:

"Be it resolved by the Senate of the United

States, That the Committee on the Judiciary be instructed to examine into those laws,

difficulties suggested.

difficulties suggested.

The fifth section of the second article of the Constitution is the one to which the resolution refers; and that article, together with the acts of Congress passed to give it effect, have been brought under consideration by the committee. The section of the Constitution is as follows:

"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall het act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected."

1, 1792, in reference to this subject, contains two sections, to wit, the ninth and tenth, which are as follows:

"Sec. 9. That in case of a removal, death, resignation, or inability, both of the President for high political offenses, the President of the United States, the President of the Senate protempore, and in case there shall be no President to become President, therefore, the House of Representatives, for the time being, shall act as President of the United States until the disability be removed or a President shall be elected.

"Sec. 10. That whenever the offices of President and Vice-President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State, specifying that electors of the President for the Vinited States shall be appointed or chosen in the several States within forty-four days preceding the first Wednesday in December, then next ensuing: provided there shall be the space of two months between the date of such notification and the said first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednesday in December, and if the term for which the President and Vice-President last in office space of two months between the date of such notification and the first Wednesday in December, and if the term for which the President and Vice-President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December, in the year next ensuing, within which time the electors shall accordingly be appointed or chosen; and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and dute of the supreme Court, as officers well existent to discharge the duties of a provisional President, under an act of the legislature.

These magistrates have assigned to them a high jurisdiction, bringing within its

all the duties of President for the unexpired term of the vacancy occasioned in any one of the methods contemplated in the Constitution? It has been supposed and maintained, with a good deal of force, that the legislation of Congress must be con-

dence which could be furnished of the occurrence of the contingency of inability
provided for by the Constitution would be
the statement of the President himself to
that effect. After that the best evidence
would be the certificate of the attending
surgeons accompanied by a notification from
the members of the Cabinet.

As an interesting chapter in connection
with this matter we publish the following
report, which was made to the Senate of
the United States on August 5, 1856, by

ument was exhumed from the voluminous piles of the Senate by Mr. Amzi Smith, who has charge of the Senate Document room, and who seems to know by heart all the papers ever filed there. He was asked whether a report had ever been made on the subject of Presidential inability and Presidential successors, and at once placed in our hands the following document:

On the 26th of June, 1856, the Senate adopted a resolution in the following words:

"Whereas, the Constitution of the United States provides that Congress may, by law, provide for the case of removal, death, resignation or inability both of the President and Vice-President and Vice-President and Vice-President, and such officer shall act accordingly until the disability be removed, or a President, shall be elected;

"And whereas it greatly concerns the peace of the Covernment, that the laws enacted by Congress in pursuance of that provision of the Constitution, should be so comprehensive as to provide for every vacancy that can possibly occur in the office of President as president, and so clear as to permit of no controversy, nor any question of disputed succession to that high office.

"The next as President provises to the meeting of the next, there of the controversy, nor any question of disputed succession to that high office.

"The next as President provises to the meeting of the next, there of the controversy, nor any question of disputed succession to that high office.

"The next president pro tempore, would be possibly occur in the office of President, and so clear as to permit of no controversy, nor any question of disputed succession to that high office.

"The next president pro tempore would be president and whether such speaker or a President pro tempore would be president and whether such speaker or a President pro tempore would be president and whether such speaker or a President pro tempore would be president and whether such speaker or a President pro tempore would be provided to the provision of the constitution of the provision of the con

may be no Speaker; and whether such Speaker or a President pro tempore would have at the time the requisite qualifications under the Constitution, to be invested with the duties and powers of an acting President is a question of too much importance to be left to the decision of the occasion. The fourth clause of the second article of

Your committee is of opinion that no one Your committee is of opinion that no one can be eligible to discharge, for the time being, the functions of President, unless he be thirty-five years old, and a native born citizen. A Speaker of the House, or a President pro tempore, might not have these qualifications—and if so, he could not act as President in compliance with the Constitu-President in compliance with the Constitu-

tion.

To guard against the danger of an entire vacancy in the office of President, prudence would seem to call for further legislation. What officer, then, should be designated, after the President pro tempore and Speaker, to act as President? The Cabinet for the time being, in some prescribed order, would in most circumstances be the proper func-tionaries to fill the vacancy. In cases of death they would be the persons most fit for the occasion. There are other circum-And the act of Congress, approved March
1, 1792, in reference to this subject, contains
two sections, to wit, the ninth and tenth,
which are as follows:

"Sec. 9. That in case of a removal, death,
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give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors, and others, shall be pursuant to the directions prescribed in this act."

The committee will first give its attention to the consideration of this last section, as the one mainly involving constitutional authority to pass it under the provisions of the fifth section of the second article.

The first point of view in which this

The commettee will first wednesday in December, and the provision of the confederacy, and the separate parts of the confederacy, and are well entitled to confidence.

But for the provision, in the act of March 1, 1792, having so long existed on the stat-

authority to pass it under the provisions of the fifth section of the second article.

The first point of view in which this section of the act has been presented to the committee is this: Can Congress, under the general authority and in strict pursuance of the Constitution, do anything two act as provisional President of the committee would have preferred to designate the officers to perform all the duties of President for the unexpired term of the vacancy occasioned in any pired term of the vacancy occasioned in any pired term of the vacancy occasioned in the committee would have preferred to designate the Chief Justice and other Justices of the Supreme Court, as the proper officers to perform the executive duties. Acquices-

trolled by the first section of the second article of the Constitution, which reads as follows:

"The executive power shall be vested in follows:

"The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

"Each State shall appoint in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector."

under the United States shall be appointed an elector."

According to this view there can be no election of President except once in four years, and the executive functions of President may devolve upon an inferior officer, and be discharged by him, in pursuance of legislative enactment, during the full term for which the President and the Vice-President had been elected. If such be a fair rect agency or the deliberate judgment of the parties to the federal compact. This is not the opinion of the committee. The legislation of 1792 evidently contemplated that the President pro tempore or Speaker should not only be a contingent functionary, with Presidential authority of a provisional character, but it tied and prescribed duties. There are but that he should be confined to a sphere of limited and prescribed duties. There are but that he should be confined to a sphere of limited and prescribed duties. There are but that he should be confined to a sphere of limited and his substitute, the Vice-President.

Beyond these no enough of the second article of the Constitution.

The committee further recommends that when the duties of a provisional President, when the duties of a provisional President, they shall be completed in view of a distinct end, to wit, to call into requisition the primary power of electing a President authorized to exercise all the powers of the Executive as emanating from the Constitution, to have the plentitude of constitutional authority; to be the President of the people, elected by recommittee is of opinion that under the fifth clause of the second article of the Executive as emanating from the constitution, to have the plentitude of constitution, to have the plentitude of constitution, in case of a vacancy occurring in the office of President and the vice-President cleeted by the people becomes the President during that term. But under the same clause the committee is equally clear in thinking that the officer designated by Congress to act as President and Vice-President can act only until th The committee further recommends that when the duties of a provisional President, designated by act of Congress, shall be undertaken, they shall be completed in view of a distinct end, to wit, to call into requisition the primary of the complete of the primary control of the comes the President for the residue of the term. In such a case no power is reserved to elect a President during that term. But under the same clause the committee is equally clear in thinking that the officer designated by Congress to act as President when a vacancy occurs in both the offices of President and Vice-President can act only until the vacancy is removed and a President is elected. And Congress, under this article, must previde the time of holding the election and the day on which the electors are to vote, that being the same throughout the United States. The President so elected is to hold the office during a term of four years; this is the only term known to the Constitution of a President elected by the people. No power is given to hold an election by the people for the residue of any existing term; the ple for the residue of any existing term ; the election held under this authority is like an election to provide for an approaching regu-lar vacancy, an election of a President—and, under the first clause of the article, the time of every election by the people is to be four years. When any lesser period is intended it is in words so stated. The officer who years. When any lesser period is intended it is in words so stated. The officer who may be selected by Congress to act as President, in the event of the double vacancy of President and Vice-President, is to act only until the disability is removed and a President elected. But when such an election is held there is no limitation of this office other than the four years provided by the first clause. This seems to your committee to be clear. So that your committee has come to a decision as follows: A provisional President, under the act of March 1, 1792, is invested with the executive functions only until a disability is removed, or, in case of an entire vacancy, until a President is chosen by the electoral colleges. It is apparent, from these suggestions, that the committee believes the act of 1792 to be constitutional in all respects; and, according to its provisions, an election for President must be held (except in a case therein specially mentioned) on in a case therein specially mentioned) on the first Wednesday of December, after the vacancy occurs. The President thus elected must be inaugurated, according to the twelfth section of the same act, on the fourth of March afterward, and his term will be four years from that date.

A Bill supplementary to the several acts in force relative to the election of Presi-dent and Vice-President of the United

Be it enacted by the Senate and House of Rep-resentatives of the United States of America in Congress assembled, That in case of removal, death, resignation, or inability, both of the death, resignation, or inability, both of the President and Vice-President of the United States, the President of the Senate pro tempore, and if there be no President of the Senate, then the Speaker of the House of Representatives for the time being shall act as President of the United States until the disability be removed or a President shall be elected; and if there should be no President of the Senate nor should be no President of the Senate nor be instructed to examine into those laws, and inquire whether the provisions they contain are constitutional, proper, and adequate, in all respects, to that purpose and end, or whether any further legislation be necessary or proper, and to report thereon by bill or otherwise."

The committee has considered this subject with great care, and herewith reports a bill adequate, in its opinion, to meet all the difficulties suggested.

The fourth clause of the second article of the Constitution reads as follows:

"No person, except a native born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall set as President of the United States until the disability be removed or shall any person be eligible to the office of President; and if there be no President of the Senate, then the Speaker of the United States until the disability be removed or shall not have attained to the age of thirty-five years, and been for the time being, and it be not a case of vacancy caused by removal, the Chief Justice of the Supreme Court of the United States." tice of the Supreme Court of the United States, or if there be no Chief Justice in office, or it be a case of vacancy caused by removal, then the Associate Justices of the said Supreme Court, successively, according to seniority of commission, shall act as President of the United States until the disability be removed or a President shall be elected; provided, however, that in case any person holding either of the offices mentioned in this section shall not have the qualifications prescribed for President of the United States by the Constitution, or shall be under impeachment, then the next officer in succession (as hereinbefore specified) who may have the requisite qualifications, and not under impeachment, shall act as President of the United States until the disability be removed or a President shall be elected.

Sec. 2. And be it further enacted, That the electors appointed or chosen in the several States, pursuance to the tenth section of an act relative to the election of a President and Vice-President of the United States, and declaring the officer who shall act as President in cases of vacancies in the offices, both of President and Vice-President, approved the first day of March, in the year 1792, shall, at the time and places of meeting to vote for a President of the United States, as prescribed in said section, vote also for a Vice-President of the United States, and that the term of the President and Vice-President, so elected, shall commence on the fourth day of March next succeeding such election, and continue for the period speci-fied in article second, section first, of the Constitution of the United States.

Dr. Rhodes' Transfusing Battery advertised in another column, is an article of real merit and is worth its weight in gold. It will positively do what is claimed for it.
Money cheerfully refunded to all using it a
reasonable length of time if they are not
satisfied. Mr. R. K. Helphenstine, the wellknown druggist, Fourteenth and F streets— Ebbitt House-is the agent.

The Old Central Guard-House. The sale of of the old Central Guardhouse still continues to give opportunities for the opinions of attorneys. Commissioners' Attorney Riddle yesterday submitted to the District Commissioners an opinion adverse to that recently given by Mr. Birney, who thinks the Commissioners have no power to make a conveyance. Mr. Mr. Birney, who thinks the Commissioners have no power to make a conveyance. Mr. Riddle says: "It seems to me that this case is to be widely distinguished from that in which the executive of the District is charged as a mere agent with the duty of selling property." \* \*\* \*\* \*\* "In the lesser matter of selling on credit there is another consideration—the custom in the District to sell on time. But no matter for that, the Commissioners may, as I think, legally execute the necessary conveyance." The Commissioners have as yet taken no action Commissioners have as yet taken no action

on the subject. "Alderney Dairy Wagons." Fresh Alderney butter, churned every morning, and delivered in ½lb. "Ward" prints, at 35c. per lb. Also, cottage cheese, 5c. per ball; buttermilk, 5c. per quart, and sweet milk, 5c. per quart.

There was a young girl in Missouri, Who'd rare, tear and fight like a fury, Till she tackled a mule, And the feminine fool Was sat on by a coroner's jury.

Notable Sayings of Notable Men.

Never say die."-Dr. Hamilton. -" I pace as I goes."-Frank Hagerty. -" Don't give up the sip."-Harry Ford. -"Call me your darling again,"-John

McCarthy. "I'm a model of a man in plaster."-

Joshua Davis, -"Matters look rather dark for me."

-"I ketched on, and don't you forget it."-Ham. Hughes.

-"Ainger and ministers of grace defend us."-East Washington. -"A Burdine the hand is worth two in the bush."-Billy Burdine.

-"The President cannot recover unless he gets well."-James Lansburgh.

-"You needn't count your chickens after they're snatched."-Officer O'Hare. -"I just downed 630 reed birds and 193 ortolan yesterday."—Charley Hutton. -"Adolph, I believe I will take another

very light cocktail."—Henry Cushing. —"Honorable friendships should be gra-ciously fostered."—Gen. Saul S. Henkle. -"You Third street men are all a lot of bummers and suckers."—Capt. A. Grant. -"I'm gone to meet my own true love ten thousand miles away."-Capt. How-

-"I can't understand, can you, why men will lie when they go a fishin'?"-Sol

. —"A highly ornamented soda fountain is a magnificent fizzle and no mistake."—John

BOWITZ.—On Wednesday, August 31, in Balti-more, after a lingering illness, Pauline, in the 28th year of her age, only daughter of Elias and Minns Bowliz.

UNDERTAKERS. R. F. HARVEY, UNDERTAKER

921 SEVENTH ST. NORTHWEST Formerly 932 F Street Northwest.
The public is respectfully notified that I am anger at 322 F street, but 221 Seventh street north est. Make no mistake. E. F. HARVEY.

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FIRST IN WAR, FIRST IN PEACE FIRST TO GET IN NEW STOCK GOODS Boys' School Suits, 8-12 years, \$2, \$4, \$5 and \$6. Boys' School Suits, 12-16 years, \$4, \$5, \$6 to \$10. Children's School Suits, short pants, 5-10, \$2.50, and \$1 up. Men's Fall Suits, complete, \$3, \$6 and \$7, worth

double. Straw Hats, half-price: School Wool Hats, 49 & 50c. All summer stock at balf value, to close out, at 1914–1916 Pennsylvania Ave., J. W. SELBY.
The Best #1 School Shoes in city.
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J. A. GRIESBAUER, MERCHANT TAILOR,
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55 and up for Pants. \$15 and up for Overcoats
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SPRING AND SUMMER GOODS tow real value to make room for Fall stock. GEO. SPRANSY, 507 SEVENTH ST. N. W H. D. BARR. MERCHANT TAILOR

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A. SAKS & CO., 316 SEVENTH STREET. E. HORGAN, 615 I STREET N. W., Makes the best \$20 and \$25 suits to order of an ialler in the city

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5.00—Haltimore, Ellieot City and Way Stations
6.40—Haltimore, Express.
6.50—Baltimore, Annapolis and Way. (Piedmont, Straburg, Winchester, Hagerstown and Way, via Relay.)
8.10—Point of Rocks and Way Stations,
8.15—PHILADELPHIA, NEW YORK and BOSTO
EXPRESS. Parior cars to New York.
8.40—STAUNTON and VALLEY EXPRESS. (Concepts for Hagerstown and I Point of Rocks
for Frederick.)
19.00—On Sunday only—Baltimore, Annapolis and
Way.
10.00—D Baltimore Express. Stops at Hyatts

10.00 BALTIMORE EXPRESS. Steps at Hyatts ville, College, Beltsville, Laurel, Annapolis Junction, Jessup's and Hanover.
10.40 PITTSRIEGH, CHICAGO, CINCINNATI and St. LOUIS EXPRESS.

P. M. 12.10—Baltimore, Ellicot City, Annapolis and Way 11.25 Clations
11.26 Clations
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12.10 Battimore Express
13.00 Battimore, PHILADELPHIA and New
YORK EXPRESS
3.30 Baltimore and Way Stations. (Winchester,
Frederick, Hagerstown and Way, via Re-

Frederick, Hagerstown and Way, via Levilla, 1813.

4.30—Baltimore, Hyattsylllie and Laurell Express, Frederick, via Relay. Stops at Anna soils Junction.

4.40—Baltimore, Annapolis and Way Stations.

4.45—Baltimore, Annapolis and Way Stations.

4.45—Baltimore and Way, (fon Sanday to Point of Rocks and Way Stations.

4.45—Baltimore Express, (Martinsburg and Way, via Relay, Stops at Hyatisville and Laurel.)

6.05—Point of Rocks and Way Stations.

6.45—Baltimore, Hyatisville and Laurel.

7.30—Baltimore, Hyatisville and Laurel.

Express.

7.30-HALTHORE, HYATTSVILLE and LAUREL EXPRESS.

19.15-PITTSBURGH, CINCINNATI, and ST. LOUIS EXPRESS.

19.50-PHILADELPHIA, NEW YORK and BOSTON EXPRESS. Sleeping cars to New York.

10.00-BALTHORE, HYATTSVILLE, and LAUREL EXPRESS. Stops on signal or to let off passengers at any station between Washington and Annapolis Junction.

†Dally. Isunday only. Other trains daily except Sunday. tDaily, Sunday only, can sept Stinday, ept Stinday, All trains from Washington stop at Relay Station.

For further information apply at the Baltimore
Ohio Ticket Offices, Washington Station, and 619
and 1351 Penma avenue, cor. of 14th street, when so
orders will be taken it. Daggage to be checked and
received at any point it. the city.

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For Pittsburg and the West, 800 a. m. Dally with
Sleeping cars to Pittsburg and Chicago; 10.39 a
m. daily, with Sleeping cars from Harrisburg
to Cincinnati, St. Louis and Chicago; 230 p. m
daily, with Palace Car to Pittsburg.

BALTIMORE & POTOMAC RAILEOAD,
For Canabilagua, Rochester, Enffisio, Niagara
Falls, with Parlor Car to Warkins and the
North, Sa. m. daily, except Senday; at 230 p
m. daily except Saturday with Palace car to
Canabilagua and Watkin's.

For Williamsport, Lock Haven and Elmira
10,30 am, daily, except Sunday.

For New York and the East, 8,00 a. m., 10,30 a. m.,
2.00, 10,00 and 10,15 p. m. On Sunday, 2.00, 10,00
and 10,15 p. m. Limited Express of Pullman
Palace Cars, 2,30 a. m. daily, except Sunday,

For Brooklyn, N. Y., all through trains connectat,
Jersey City with boats of Brooklyn Annex, alfording direct transfer to Fulton street, avoiding double Serriage across New Yeek City.

For Philadelphia, 8,00 a. m., 10,20 a. m., 2,00, 5,40,
10,00 and 10,15 p. m. On Sunday 2.00, 10,00
and 10,15 p. m. Limited Express, 2,30 a. m.
daily except Sanday.

For Baltimece, 8,48,800, 9,30, 10,00 a. m., and 2,00,
4,30, 440, 540, 230, 10,00 and 10,15 p. m. On Sunday, 8,00, 10,00 a. m., 2,00, 5,40, and 10,15
p. III.

For Pope's Creek Line, 6,40 a. m. and 4,40 p. m

p. m. For Pope's Creek Line, 6.40 a. m. and 4.40 p. m dally, except Sunday.

For Annapolis, 6:40 a. m. and 4:40 p. m., tanty cort Stunday.

ALEXANDRIA AND FREEDERICKSBURG
RAILWAY AND ALEXANDRIA AND
WASHINGTON RAILROAD.

For Alexandria, 7, 7, 20, 20 and IL30 a. m., 4.20,
6:20, 8 and IL30 p. m. On Sundays at 7,00, 9.2
and IL30 a. m. and 8 p. m.
For Richmond and the South, 7:00 and IL10 a. m.,
daily, and 5 p. m. duily, except Sanday.

Trains leave McKandicia for Washington, 6, 8.0e
and 10 a. m., 12:40, 3:5, 7:4-9:10 p. m., and 12 midnight. On Sunday at 8:05 and 10 a. m., 7 and
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